

Why the decision to strip lance armstrong of his titles is wrong

Law



Why the decision to strip Lance Armstrong of his titles is wrong? On August 24, the U. S. Anti-Doping Agency (USADA) wiped out the 14 years of Armstrong's racing career that includes the seven Tour de France titles after concluding that he used illegal substance. USADA also banned Armstrong for life from the sport. Armstrong would no longer challenge the USADA decision finding USADA's investigation a "witch hunt" that is bent on convicting him without any physical evidence. Armstrong denied that he ever took banned substances in his career (Associated Press, 2012). This decision of USADA to strip Armstrong of his titles and ban him from the sport for life is not only wrong but also excessive. It is based on onerous and unreasonable proceedings that even the United States District Court indicated the troubling aspect of the case and indicated "the deficiency of USADA's charging document is of serious constitutional concern" (2012 WL 3569682). It is important to state that the prosecution of USADA against Armstrong is based on "non-analytical positive" or from witness testimony and not from the presentation of concrete, scientific laboratory results. Armstrong was right when he commented that USADA convicted him without any physical evidence. It is equally important to note against this backdrop that Armstrong never tested positive to over 500 tests he was subjected to during his active career. Worst, the use of "analytical non-positive" proceeding to convict Armstrong that requires the testimony of a witness was tainted with corruption making the ground of his conviction to be doubtful if not illegal. The witness testimony that was obtained to convict Armstrong was obtained by "offering inducements", a euphemism for bribe which is not only unethical, but also in violation of federal criminal law (Zimmerman, 2012). It could be

argued that there are numbers of witness who testified against Armstrong that justified the conviction. But the manner of which those testimonies were obtained or extracted automatically removes the credibility of such witnesses and making it unfit to be used as evidence in the court of law. An agency cannot break the federal bribery law just to convict anyone. Thus, the evidence used against Armstrong can be dismissed not only as hearsays but also illegal that could nullify the charges against him. Also, per USADA's own rules, Armstrong needs for a full and fair opportunity to interview the witnessed used against him which was never given and therefore a violation of USADA's own rules (Langle, 2012). In consideration of the above stated onerous, flawed, faulty and even unconstitutional proceeding, Armstrong should have been entitled of a judicial review of a legitimate US court as guaranteed by the Fifth Amendment that forbids punishment without due process of law. Yet despite of the guarantee of the Fifth Amendment of the Constitution of United States for Armstrong to have a judicial review against the absence of legitimate due process of law, USADA became overzealous in meting the penalty that revealed its intention to "witch hunt" Armstrong despite the absence of legitimate due process and usage of illegal evidence that violates its own rules. When it penalized Armstrong by erasing his record up to 1998, this became constitutionally troubling because a law cannot punish anyone retroactively. Meaning, the WADA Code that was used as a basis to penalize Armstrong did not exist until 2004 and USADA was only created in 2000 (couple of years after Armstrong's career started) and yet he was punished for an alleged violation that no law prescribe it to be such during the consummation of the action assuming for the sake of

discussion that Armstrong did take banned substance. The agency and its operating law that convicted Armstrong penalized him even before the creation of such law and agency. This is a practice of an ex post facto law which is prohibited by the federal government (Langle, 2012) and taken to the extreme. The process of stripping Lance Armstrong was so wrong that even the United States District Court, in W. D. Texas acknowledged USADA's "singleminded determination to arbitrate the charges against him" (Langle, 2012). This singleminded determination to punish Armstrong without legitimate due process can be appreciated by comparing Armstrong case with other athletes who was found guilty. Alberto Contador, also a cycling star was found to be guilty of doping but was only suspended for six months and stripped only of his 2010 Tour de France victory. With Armstrong, USADA in effect erased the record of all his career as if he never raced with an allegation that is unfounded under a process that cannot be considered legitimate for the usage of evidences that were obtained illegally with a penalty that violates USADA's own rules. References Associated Press (2012). Lance Armstrong stripped of Tour de France titles by USADA. Retrieved from [http://www.cbc.ca/sports/cycling/story/2012/08/24/sp-usada-cycling-lance-armstrong.html] Langle, Heath (2012). Armstrong - Truth, Justice, and the American Way. Retrieved from [http://www.dailypeloton.com/displayarticle.asp?pk=20287]. Zimmerman, Anna (2012). Complaining Lance Armstrong v2.0. Retrieved from [http://150wattsofawesome.blogspot.com/2012/07/complaining-lance-armstrong-v20.html] United States District Court, W. D. Texas, Austin Division (2012). Armstrong v. Tygart, --- F. Supp. 2d.